

subject to the Unfunded Mandates Reform Act of 1995 (Unfunded Mandates Act), signed into law on March 22, 1995.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by October 16, 1995. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Small business assistance program.

Dated: July 28, 1995.

William E. Munro,
Acting Regional Administrator.

Title 40 of the Code of Federal Regulations, chapter I, part 52, is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401–7671q.

Subpart KK—[Amended]

2. Section 52.1889 is added to read as follows:

§ 52.1889 Small business stationary source technical and environmental compliance assistance program.

The Ohio program, submitted as a requested revision to the Ohio State Implementation Plan on May 17, 1994, and May 4, 1995, satisfies the requirements of section 507 of the Clean Air Act.

[FR Doc. 95–20019 Filed 8–14–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 70

[OH001; FRL–5276–9]

Clean Air Act Final Full Approval of Operating Permits Program; Ohio

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final full approval.

SUMMARY: The EPA is fully approving the operating permits program

submitted by the State of Ohio for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources.

EFFECTIVE DATE: October 1, 1995.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the final full approval are available for inspection during normal business hours at the following location: EPA Region 5, Air and Radiation Division (AR–18J), 77 West Jackson Boulevard, Chicago, Illinois 60604.

FOR FURTHER INFORMATION CONTACT: Steven Pak, EPA Region 5, Air and Radiation Division (AR–18J), 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–1497.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

Title V of the Clean Air Act (“the Act”) and implementing regulations at 40 Code of Federal Regulations (CFR) Part 70 require that States develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one year after receiving the submittal. The EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to two years. If EPA has not fully approved a program by two years after the November 15, 1993 date, or by the end of an interim program, it must establish and implement a Federal program.

On April 13, 1995, EPA proposed full approval of the operating permits program for the State of Ohio. See 60 FR 18790. EPA received comments from two organizations on the proposal and is responding to the comments below. EPA has also compiled a Technical Support Document responding to the comments. In this notice, EPA is taking final action to promulgate full approval of the operating permits program for the State of Ohio.

II. Final Action and Implications

A. Analysis of State Submission

On April 13, 1995, EPA proposed full approval of the operating permits program for the State of Ohio. The program elements and issues discussed in the proposal are unchanged since the original analysis in the proposal and the

program continues to fully meet the requirements of part 70.

B. Response to Public Comments

EPA received comments from two organizations: Porter, Wright, Morris & Arthur, submitted on behalf of the Ohio Chamber of Commerce, the Ohio Chemical Council, and the Printing Industry of Ohio; and Wright-Patterson Air Force Base in Ohio. Porter, Wright, Morris & Arthur supports EPA's proposed full approval. Wright-Patterson Air Force Base included a list of nine comments on the Ohio operating permits program. Responses to these nine comments follow.

One of the comments questions the approvability of the Ohio operating permits program because the electronic application form currently being developed by the State is “nothing like” the application form that the State submitted with its program. The part 70 requirements with respect to application forms deal with application content and not format. These requirements are found at section 70.5(c) and are fully satisfied by the State's regulations. This comment does not alter EPA's approval of the Ohio program because the commentor did not provide any information to indicate that the electronic version of the application form is inconsistent with section 70.5(c), and because the electronic application form to which the commentor refers has not been submitted to EPA for approval and is not an element of this approval.

Five of the comments can be categorized as inquiries and concerns with program implementation. These comments do not deal with program approval requirements under part 70 and do not affect EPA's approval of the Ohio operating permits program. The commentor should approach the State directly with these program implementation questions and concerns.

The remaining three comments express dissatisfaction with the scope of specific provisions in the State's program and could be considered requests for EPA to broaden the scope of the State's program; however, the provisions that the commentor references currently comply with the requirements of part 70. In addition, EPA's role in the approval process is to review and approve or disapprove operating permits programs submitted by States and not to make revisions to those programs. In any case, the commentor should contact the State with requests for program revisions.

C. Final Action

EPA is promulgating full approval of the operating permits program submitted to EPA by the State of Ohio on July 22, 1994, and amended on September 12, 1994; November 21, 1994; December 9, 1994; and January 5, 1995. Among other things, the State of Ohio has demonstrated that the program meets the minimum elements of a State operating permits program as specified in 40 CFR Part 70.

The scope of the State's operating permits program approved in this notice applies to all part 70 sources (as defined in the approved program) within the State of Ohio.

Requirements for approval, specified in 40 CFR 70.4(b), encompass section 112(l)(5) requirements for approval of a State program for delegation of section 112 standards as promulgated by EPA, as they apply to part 70 sources. Section 112(l)(5) requires that the State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule, which are also requirements under part 70. Therefore, EPA is also promulgating full approval under section 112(l)(5) and 40 CFR 63.91 of the State's program for receiving delegation of section 112 standards that are unchanged from Federal standards as promulgated. This program for delegations only applies to sources covered by the part 70 program.

III. Administrative Requirements

A. Docket

Copies of the State's submittal and other information relied upon for the final full approval, including the two public comments received and reviewed by EPA on the proposal, are contained in a docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final full approval. The docket is available for public inspection at the location listed under the ADDRESSES section of this document.

B. Executive Order 12866

The Office of Management and Budget has exempted this action from Executive Order 12866 review.

C. Regulatory Flexibility Act

EPA's actions under section 502 of the Act do not create any new requirements, but simply address operating permits programs submitted to satisfy the requirements of 40 CFR Part 70. Because this action does not impose any new requirements, it does not have a

significant impact on a substantial number of small entities.

D. Unfunded Mandates Act

Under Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under Section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated today does not include a Federal mandate that may result in estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new Federal requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

List of Subjects in 40 CFR Part 70

Environmental protection, Administrative practice and procedure, Air pollution control, Intergovernmental relations, Operating permits, and Reporting and recordkeeping requirements.

Dated: July 28, 1995.

William E. Muno,
Acting Regional Administrator.

40 CFR Part 70 is amended as follows:

PART 70—[AMENDED]

1. The authority section for part 70 continues to read as follows:

Authority: 42 U.S.C. 7401, *et seq.*

2. Appendix A to part 70 is amended by adding the entry for Ohio in alphabetical order to read as follows:

Appendix A to Part 70—Approval Status of State and Local Operating Permits Programs

* * * * *

Ohio.

(a) The Ohio Environmental Protection Agency submitted on July 22,

1994; September 12, 1994; November 21, 1994; December 9, 1994; and January 5, 1995; full approval effective on October 1, 1995.

(b) Reserved

* * * * *

[FR Doc. 95-20169 Filed 8-14-95; 8:45 am]

BILLING CODE 6565-50-P

40 CFR Part 271

[FRL-5276-6]

South Carolina; Final Authorization of Revisions to State Hazardous Waste Management Program

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: South Carolina has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). South Carolina's revisions consist of certain provisions promulgated between July 1, 1984-June 30, 1991, found in Non-HSWA Cluster I through RCRA Cluster I. These requirements are listed in Section B of this notice. The Environmental Protection Agency (EPA) has reviewed South Carolina's applications and has made a decision, subject to public review and comment, that South Carolina's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve South Carolina's hazardous waste program revisions. South Carolina's applications for program revisions are available for public review and comment.

DATES: Final authorization for South Carolina's program revisions shall be effective October 16, 1995 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on South Carolina's program revision applications must be received by the close of business, September 14, 1995.

ADDRESSES: Copies of South Carolina's program revision applications are available during normal business hours at the following addresses for inspection and copying: South Carolina Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201; U.S. EPA Region 4, Library, 345 Courtland Street, Atlanta, Georgia 30365; (404) 347-4216. Written comments should be sent to Al Hanke at the address listed below.